DELEGATED REPORT

Recommendation Made: 18 May 2011

Reference:- 11/00069/FUL **Parish:- Sheepy Parish Council**

Applicant:- Mr David Lockhart
Byrons Covert
Bosworth Road
Wellsborough
Nuneaton

Location:- Byrons Covert Bosworth Road Wellsborough Nuneaton Leicestershire

Proposal:- FORMATION OF NEW VEHICLE ACCESS AND ERECTION OF 2M HIGH GATES

Introduction:-

This application seeks full planning permission for the formation of a new vehicle access and the erection of gates at Byrons Covert, Bosworth Road, Wellsborough. The formation of the new vehicular access will serve a the dwelling house and is to the B585. The detached dormer bungalow is currently accessed from an existing access positioned centrally and as part of this proposal it will be closed. The proposed new access will be to the north east of the site.

Amended plans have been received that show the proposed access moved 4.5 metres to the west and away from the crown of a mature tree on the north east corner edge of the site. The existing access is now shown to be closed off through the continuation of the existing hedge and wooden fencing 1.3 metres high.

Planning History

10/00229/FUL - Extensions and alterations to dwelling and new septic tank - Approved on 06/07/2010

Consultations:-

No objection has been received from:-
Head of Community Services (Land Drainage)

No objection subject to conditions received from:-
Director of Environment and Transport (Highways)

Neighbour notified and site notice displayed.

Development Plan Policies:-

Adopted Local Plan

The site lies outside a settlement boundary within open countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 - Design and Siting of the Development
Policy NE5 - Development in the Countryside
Policy T5 - Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are the impact of the proposed gates on the character and appearance of the countryside, impact on tree and whether the new access is acceptable on highway grounds.

Impact on the Character of the Countryside

The design of the proposed gates, side panel and posts are all considered to be of an acceptable height and the use of either slender steel wrought bars or wooden panels would be in keeping with the rural character of the countryside. The gates are simple in design and sensitive to the surrounding landscape. The rendered pillars will reflect the type of material used on the external walls of the main house and will be set back behind the existing hedge with an appropriate scale that respects the general rural surroundings. The gates are not considered to have an adverse effect on the appearance of the countryside.

The existing access will be closed off and appropriately landscaped and assimilated with its surroundings. The existing landscaping along the frontage will be continued with the current hedge continued and followed by a 1.3 metre high wooden border fence and a new tree planted behind continuing the row of trees behind the boundary treatment. A landscape condition will be attached to the decision to ensure compliance.

The proposal is therefore compliant with the design requirements of BE1 and NE5.

Highways

Highways commented that the proposal is considered acceptable subject to conditions. Highways were re-consulted on the revised scheme to move the access away from the mature tree positioned on the north east boundary and refer to previous comments made. The access surfacing will be tarmacadam and this will be conditioned for the first 5 metres. The gate is shown to be set back 5 metres from the highway with the gates inward opening and this will be conditioned in compliance with the comments received from Highways. There are visibility splays of 2m x 2m on both sides. The width of the access between the two pillars will be 4 metres meeting standing advice. The general geometry of the proposed new site access in terms of width and length to the external road network is considered acceptable on highway safety grounds and is therefore in accordance with Policy T5 of the Local Plan.

The closure of the existing access will be secured by planning condition to ensure that there is no conflict with two access being used at once.

Impact on trees

A large mature tree sits on the north east boundary line. Although this mature tree is not a TPO, its retention was considered important. Following discussions on the impact of creating a new access on this mature tree, the applicant has moved the nearest entrance post 4.5 metres away from the trunk in order to reduce the possibility of root damage and this will also ensure the lower limb can remain with minor pruning. Four fruit trees will be lost to make way for the new driveway. In order to compensate for the loss of on site trees, three trees are shown to be planted along the eastern boundary including a tree on the northern boundary.

Land Drainage

Although the first 5 metres of the drive will be tarmacadam, the rest of the driveway will be permeable and this will ensure suitable drainage.

Conclusion

The proposal would respect the character and appearance of the countryside with no material loss of trees and the new vehicular access acceptable on highway safety grounds. The application is considered to be in accordance with Policies BE1, NE5 and T5 of the Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of its siting, scale and design

would not have detrimental impact on the character and appearance of the existing dwelling or the countryside and would meet highway safety and would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5 & NE5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The existing access shall be closed permanently within 1 week of the new access being brought into use.

3 The access drive shall be surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

4 Notwithstanding the submitted details, any vehicular gates, barriers, bollards, chains, or other such obstructions are to be erected they shall be set back a minimum 5 metres behind the highway boundary and shall be hung as to open inwards only.

5 No development shall take place until details of the type and colour of gates, side panels and posts are submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

6 The materials to be used on the pillars shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

7 Notwithstanding the submitted details, no development shall commence until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) Details of the landscaping along the boundary of the existing access to be closed.
(ii) Planting plans.
(iii) Written specifications.
(iv) Schedules of tress and hedge, noting species, sizes and proposed numbers where appropriate.
(v) Implementation programme.

8 The approved soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of ten years from the date of planting. During this period any trees and hedge which die or are damaged, removed, or seriously diseased shall be replaced by trees and hedge of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

9 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

Drawing - LPA-01 Revision A - Received on 09/05/2011
Site Location Plan - Received on 28/03/2011
Block Plan Revision C - Received on 16/05/2011

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 In the interest of road safety to accord with Policy BE1 and T5 of the Hinckley & Bosworth Local Plan

3 To ensure that the development has a satisfactory access surface, to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

4 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic including pedestrians, in the public highway, to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure that the development has a satisfactory external appearance to accord with policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the development has a satisfactory external appearance and assimilates with the character of the surrounding landscape, to accord with Policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

8 To ensure that the development has a satisfactory external appearance and assimilates with the character of the surrounding landscape, to accord with Policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

9 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The new driveway should not encroach on the effluent dispersal pipe network associated with the septic tank.

Contact Officer:- Kevin Roeton Ext 5919